

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR NEW
CENTURY HOME EQUITY LOAN TRUST,
SERIES 2005-C, ASSET BACKED PASS-
THROUGH CERTIFICATES,

Plaintiff,

vs.

LEMMIE GARNER; SUSAN CARLILE; and
WOODLAND VILLAGE HOMEOWNERS
ASSOCIATION,

Defendants.

LEMMIE GARNER; SUSAN CARLILE,

Counterclaimant,

vs.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR NEW
CENTURY HOME EQUITY LOAN TRUST,
SERIES 2005-C, ASSET BACKED PASS-
THROUGH CERTIFICATES,

Counter-Defendant.

Case No.: 3:17-cv-00072-LRH-WGC

**STIPULATED JUDGMENT
FOR QUIET TITLE**

1 Plaintiff/Counter-Defendant, Deutsche Bank National Trust Company, as Trustee for
2 New Century Home Equity Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates
3 (hereinafter “Deutsche Bank”), by and through their attorneys of record, R. Samuel Ehlers, Esq.,
4 of the law firm of WRIGHT, FINLAY & ZAK, LLP, and Defendant/Counterclaimants Lemmie
5 Garner and Susan Carlile (hereinafter “Garner and Carlile”), by and through their attorney of
6 record, Karlon Kidder, Esq. of THE KIDDER LAW GROUP, LTD, hereby jointly agree,
7 stipulate, and authorize entry of a stipulated judgment as follows:

9 WHEREAS,

10 1. The real property which is the subject of this case is commonly known as 18101
11 Alexandria Drive, Reno, Nevada 89508, APN: 556-1191-03 (the “Property”), which is described
12 as follows:

14 LOT 558 OF WOODLAND VILLAGE PHASE 7, ACCORDING TO THE MAP
15 THEREOF NO. 4106, FILED IN THE OFFICE OF THE COUNTY RECORDER
16 OF WASHOE COUNTY, STATE OF NEVADA, ON JULY 30, 2002, AS
DOCUMENT NO. 2716380, OF OFFICIAL RECORDS

17 2. Deutsche Bank National Trust Company, as Trustee for New Century Home
18 Equity Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates (“Deutsche Bank”) is
19 the current beneficiary of a first Deed of Trust dated September 13, 2004 securing a loan in the
20 amount of \$292,000.00 and executed by non-parties John R. Davis and Kim M. Davis
21 (“Borrowers”), which was recorded on October 27, 2005 in the Official Records of Washoe
22 County, Nevada as Book and Instrument Number 3298949 (“Deed of Trust”) by virtue of an
23 Assignment of the aforementioned Deed of Trust recorded against the Property with the Washoe
24 County Recorder on October 29, 2009 as Book/Instrument Number 3816483.

25 3. On or about May 27, 2011, a Notice of Delinquent Assessment Lien
26 (“Association Lien”) was recorded against the Property on behalf of Woodland Village

1 Homeowners Association (the “HOA”) in the Washoe County Recorder’s Office as Book and
2 Instrument Number 4007450.

3 4. On or about July 24, 2013, a Notice of Default and Election to Sell under
4 Homeowners Association Lien was recorded against the Property in the Washoe County
5 Recorder’s Office as Book and Instrument Number 4261494 as to the Association Lien.
6

7 5. On or about December 23, 2013, a Notice of Foreclosure Sale was recorded
8 against the Property in the Washoe County Recorder’s Office as Book and Instrument Number
9 4311141 as to the Association Lien.

10 6. On or about January 30, 2014, a non-judicial foreclosure sale occurred whereby
11 the Hampton and Hampton (“HOA Trustee”) allegedly sold the Property to Garner and Carlile,
12 for the sum of \$20,000.00. On February 19, 2014, a Foreclosure Deed was recorded in Washoe
13 County as Book and Instrument Number 4327064.

14 7. On February 2, 2017, this action was commenced by virtue of Deutsche Bank’s
15 Complaint.
16

17 8. The Parties have now come to a resolution regarding their respective claims and
18 interests in the Property.
19

20 9. The Parties have, or will, execute a settlement agreement, the terms of which are
21 confidential, but under which Garner and Carlile agree to forego all right, title and interest in the
22 Property and to disclaim their interest thereto, for agreed-upon consideration.
23

24 10. By virtue of the settlement agreement, the parties stipulate and agree as follows:
25 that Deutsche Bank is the sole owner of the Property free and clear of any and all claims, rights,
26 and interests by Garner and Carlile.
27

28 11. All other claims asserted by or against any of the Parties hereto shall be dismissed

1 with prejudice.

2 12. Nothing in this stipulated judgment should be construed as intended to benefit any
3 other party not identified as the Parties hereto, and in particular, shall not constitute a waiver or
4 relinquishment of any claims by Deutsche Bank against the Borrower.

5 13. Pursuant to NRS 40.020, no party may recover costs or attorney's fees against the
6 other as a result of this disclaimer of interest.

7 14. That Deutsche Bank shall be entitled to any excess funds from the HOA trustee
8 regarding this Property.

9 15. Each Party shall bear its own fees and costs incurred in this litigation and
10 settlement.

11 **IT IS HEREBY STIPULATED AND AGREED** that judgment for quiet title shall be
12 granted in favor of Deutsche Bank and that Deutsche Bank may proceed to a judicial or non-
13 judicial foreclosure sale on the Property;

14 **IT IS FURTHER STIPULATED AND AGREED** that the above-referenced matter,
15 including all remaining claims for relief thereto, by and between all Parties, shall be dismissed
16 with prejudice;

17 **IT IS FURTHER STIPULATED AND AGREED** that nothing in this Stipulated
18 Judgment is intended to be, or will be, construed as an admission of the claims or defenses of the
19 Parties;

20 **IT IS FURTHER STIPULATED AND AGREED** that each party shall bear its own
21 fees and costs;

22 **IT IS FURTHER STIPULATED AND AGREED** that Deutsche Bank shall be entitled
23 to any and all excess funds that may exist with the HOA trustee regarding this property;

1 **IT IS FURTHER STIPULATED AND AGREED** that a copy of this Stipulated
2 Judgment may be recorded with the Washoe County Recorder and will supersede any prior
3 written orders, agreements or judgments.

4 **IT IS SO STIPULATED.**

5 DATED this 21st of April, 2020.

6 DATED this 21st of April, 2020.

7 **WRIGHT, FINLAY & ZAK, LLP**

8 /s/ R. Samuel Ehlers

9 R. Samuel Ehlers, Esq.
Nevada Bar No. 9313
10 7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117

11 *Attorneys for Plaintiff/Counter-Defendant,
Deutsche Bank National Trust Company, as
Trustee for New Century Home Equity Loan
Trust, Series 2005-C, Asset Backed Pass-
Through Certificates*

THE KIDDER LAW GROUP, LTD

1 /s/ Karlon J. Kidder

2 Karlon J. Kidder, Esq.
Nevada Bar No. 11622
620 N. Rock Blvd.
Sparks, Nevada 89431

3 *Attorney for Defendant/Counterclaimant
Lemmie Garner and Susan Carlile*

14 **JUDGMENT**

15 Based upon the foregoing Stipulation by and between the parties, and good cause
16 appearing,

17 **IT IS HEREBY ORDERED** that judgment for quiet title is hereby granted in favor of
18 Deutsche Bank giving Deutsche Bank title to the real property described hereafter free and clear
19 of all interests which could be asserted through the Foreclosure Deed recorded February 19,
20 2014 as Book and Instrument Number 4327064, and free and clear of any interest asserted by
21 Garner and Carlile and that Deutsche Bank may proceed with a judicial or non-judicial
22 foreclosure. This judgment quiets title to the real property described as follows:

23 LOT 558 OF WOODLAND VILLAGE PHASE 7, ACCORDING TO THE MAP
24 THEREOF NO. 4106, FILED IN THE OFFICE OF THE COUNTY RECORDER
25 OF WASHOE COUNTY, STATE OF NEVADA, ON JULY 30, 2002, AS
26 DOCUMENT NO. 2716380, OF OFFICIAL RECORDS

IT IS FURTHER ORDERED that the above-referenced matter, including all remaining claims for relief thereto, by and between all Parties, shall be dismissed with prejudice;

IT IS FURTHER ORDERED that nothing in this Stipulated Judgment is intended to be,
or will be, construed as an admission of the claims or defenses of the Parties;

IT IS FURTHER ORDERED that each party shall bear its own attorney's fees and costs;

IT IS FURTHER ORDERED that Deutsche Bank shall be entitled to any and all excess funds that the HOA trustee may have regarding this Property; and

IT IS FURTHER ORDERED that a copy of this Stipulated Judgment may be recorded with the Washoe County Recorder and will supersede any prior written orders, agreements or judgments.

IT IS SO ORDERED.

DATED this 22nd day of April, 2020.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE